

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

COMMUNITY ALTERNATIVES
NEW MEXICO, INC.
d/b/a RESCARE HOMECARE,
formerly known as
RES-CARE OF NEW MEXICO, INC.,

Plaintiff,

vs.

12cv476 RHS/ACT

VALUEOPTIONS OF NEW MEXICO, INC.,

Defendant.

ORDER REQUIRING PARTIES TO PROPOSE SPECIAL MASTER CANDIDATES

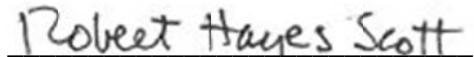
THIS MATTER comes before the Court on Defendant ValueOptions New Mexico, Inc.'s, Motion for Summary Judgment (Doc. 41). The Court has reviewed the Motion, Plaintiff's Response (Doc. 51), and Defendant's Reply (Doc. 60). The parties have also submitted hundreds of pages of exhibits detailing the complex medical billing dispute. Due to the specialized knowledge required to determine which facts may be genuinely in dispute, the Court is inclined to appoint a Special Master in accordance with Fed. R. Civ. P. 53.

On or before Monday, November 18, 2013, counsel are directed to file a stipulated and ranked list of three (3) potential special master candidates who possess the necessary skill, education and training to assist the Court by proposing findings of fact with regard to the issues raised in the Motion for Summary Judgment (Doc. 41). The proposed special masters need not be attorneys because the Court is not seeking assistance in making conclusions of law. The proposed special masters should be available to review and propose findings of fact to the Court within thirty (30) days of appointment. It is anticipated that Plaintiff and Defendant will be

equally responsible for compensating the special master, though the Court reserves jurisdiction to re-allocate the fees and costs as justice so requires after the special master's duties are complete.

In the event that the parties cannot create a stipulated list as to potential special master candidates, on or before November 18, 2013 each party may file its own ranked list of three (3) special master candidates, and objections, if any, to the other party's proposals. If a party wishes to be heard consistent with Fed. R. Civ. P. 53(b)(1), a request for hearing should be made on or before on or before November 18, 2013.

Prior to appointment, the top-ranked candidate will be required to submit a statement regarding any potential grounds for disqualification per Fed. R. Civ. P. 53(a)(2).


ROBERT HAYES SCOTT
UNITED STATES MAGISTRATE JUDGE